

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ALLEN THOMAS BLOODWORTH II,)
)
)
Plaintiff,)
)
)
v.) Case No. 21-cv-00194-BP
)
KANSAS CITY, MISSOURI, BOARD OF)
POLICE COMM'RS, *et. al.*,)
)
Defendants.)

Defendant David Kenner's Motion to Dismiss and Suggestions in Support

Defendant David Kenner requests he be dismissed, because he is not a proper party. He is being sued as a Board member; but he is not in fact a Board member. In support, he states:

In his Complaint, Plaintiff alleges David Kenner attempts to bring suit against Kenner in his official capacity as a Kansas City, Missouri Police Board member. *See* Complaint, ¶4. The problem is Kenner is not a Board member. Instead, he is the secretary/attorney for the Board. *See* <https://www.kcpd.org/about/board-of-police-commissioners/members/>, accessed April 21, 2021. The Board “selected David Kenner as their secretary/attorney,” (*see id.*), which the Board is required to do under Missouri law. *See* § 84.420.2(4) RSMo. (“The board...shall...(4) Appoint a secretary to the board who shall appoint the necessary clerical assistants to the secretary for the conduct of affairs relating purely to activities and affairs of the board...”).

The Board itself consists of four members appointed by the governor plus the mayor. *See* §§ 84.360 and 84.350 RSMo. Currently, the four appointed members are

Don Wagner, Mark Tolbert, Cathy Dean, and Nathan Garrett. *See* <https://www.kcpd.org/about/board-of-police-commissioners/members/> accessed April 21, 2021. The mayor is Quinton Lucas. *See id.*

Because Kenner is not a Board member, he is not a proper party to this suit and claims against him must be dismissed.

WHEREFORE, based on the foregoing, David Kenner respectfully request this action be dismissed against him, and for such other and further relief as this Court deems just and necessary.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2020, the foregoing was filed electronically via the Court's ECF system, and by way thereof, served on all attorneys of record.

/s/ Diane Peters
Assistant Attorney General